

REMARKS**Status of the Claims**

Upon entry of the amendment above, claims 1-24 will remain pending, claims 1, 15, 16, and 22 being independent.

Summary of the Office Action

The specification is objected to because the status of the parent application, referred to in paragraph 0001 is required to be updated.

Claims 1-15 are rejected under 35 USC §112, first paragraph, as allegedly failing to comply with the written description requirement of 35 USC §112, first paragraph.

Claims 1-24 are rejected for obviousness-type double patenting with regard to the claims of U.S. Patent No. 6,688,632.

Response to Office Action**A. Withdrawal of Objection to the Specification**

In response to the objection to the specification, Applicants have presented an amendment to paragraph 0001 of the specification of the instant application, whereby the status of Applicants' parent application has been updated to identify the patent number and issue date of the patent into which it has matured.

Withdrawal of the objection, therefore, is kindly requested.

B. Withdrawal of Rejection Under 35 USC §112, First Paragraph

Applicants respectfully traverse the rejection of claims 1-15 for alleged failure to comply with the written description requirement of 35 USC §112, first paragraph.

The rejection is based upon the following two expressions not being included in the specification: "at least a portion of said data exchange label being in vertical alignment with said cutout while said bottom surface layer is in a horizontal position" and "at least a portion

of said data exchange label being in alignment with said cutout, perpendicularly with respect to at least a portion of said outer peripheral surface, to expose said data exchange label through said cutout to a device for reading said data exchange label."

New paragraph 0043.1 has been added to the specification, in the amendment above, in which the two aforementioned expressions have been added.

The substance of the subject matter of the aforementioned expressions is clearly shown in the original drawings. For example, Applicants have attached a copy of Sheet 4/8 of the drawings from the instant application, in which the cross-sectional extents of the cutouts shown in Figs. 10, 10a, 11, and 12 are extended vertically through the cross sections of the skis, showing that the data exchange labels, or at least portions thereof, are indeed in alignment with their respective cutouts.

In view of the foregoing, reconsideration and withdrawal of the rejection are kindly requested.

C. Withdrawal of Obviousness-Type Double Patenting Rejection

In response to the obviousness-type double patenting rejection, although not expressing a concurrence with the merits of the rejection, Applicants have attached hereto a terminal disclaimer, signed by an officer (General Counsel Clotilde Turleque) of the assignee of the owner (Salomon S.A.) of the instant application as well as that of the patent of the parent application.

Applicants direct the Examiner's attention particularly to the provision in the final paragraph of the terminal disclaimer, that the aforementioned officer states that she "is empowered to act on behalf of the assignee," pursuant to 37 CFR §3.73(b)(2)(i).

In view of the above, withdrawal of the rejection is requested.

SUMMARY AND CONCLUSION


The grounds of objection and rejection advanced in the Office action have been addressed and are believed to be overcome. Reconsideration and allowance are respectfully requested in view of the amendment and remarks above.

A check is enclosed for payment of a fee for a terminal disclaimer. No additional fee is believed to be due at this time. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and complete to Deposit Account No. 19-0089.

Further, although no extension of time is believed to be necessary at this time, if it were to be found that an extension of time were necessary to render this reply timely and/or complete, Applicants request an extension of time under 37 CFR §1.136(a) in the necessary increment(s) of month(s) to render this reply timely and/or complete and the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR §1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone or fax number given below.

Respectfully submitted,
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Attached: Annotated Copy of Sheet 4/8 of Drawings, Figs. 10, 10a, 11, 12
Terminal Disclaimer, with fee